

**St. Joseph County Drainage Board Meeting
April 3, 2023 – 4th floor Chambers - County-City Building**

St. Joseph County Drainage Board Meeting

The St. Joseph County Drainage Board Meeting was called to order by Mr. Thomas Schlarb at 8:30 a.m., with the following members present:

**Thomas Schlarb
Randall Matthys
John Summers
John Linn**

**Derek D. Dieter, Commissioner Representative
Robert L. Kruszynski Jr., Ex-Officio Member
Morgan Ealy, Administrative Assistant**

APPROVAL OF MARCH 6, 2023, MINUTES

Mr. John Linn made a motion to approve the March 6, 2023, minutes, being seconded by Mr. John Summers and carried unanimously, 5-0.

SURVEYORS REPORT

(Audio Position 00:00:11)

A. Payment to Contractors

Mr. John Summers made a motion to approve the March payment to contractors, being seconded by Mr. John Linn and carried unanimously, 5-0.

B. Change of Assessments

(Audio Position 00:00:59)

None.

DRAINAGE BOARD MEETING DATE CHANGES

(Audio Position 00:01:10)

Mr. Robert Kruszynski requested to move the May and November Drainage Board Meetings back to May 8, 2023, and November 13, 2023. The Board discussed moving the meeting to the 7th floor conference room on these dates, but it was noted that the conference room was booked every Monday morning for new employee orientation. It was also suggested that the May meeting be cancelled as it had in previous years due to lack of agenda items.

Mr. John Linn made a motion to move the May 1, 2023, meeting date to May 8, 2023, and also move the November 6, 2023, meeting date to November 13, 2023, being seconded by Mr. Randall Matthys and carried unanimously, 5-0.

GAST DITCH – IDNR GRANT PROPOSAL

(Audio Position 00:06:58)

Mr. John Law sent the proposal out to three contractors, and only one bid was received. Mr. John Law discussed the background on the IDNR Grant for Gast Ditch. He reported that IDNR would

pay 80% of the price of the work to be completed. The Board would cover the 20% left. It is a two-stage ditch and two spots where they need to widen the ditch and prevent flooding downstream. If the bid from Stanger Group for \$114,900 were to be accepted, \$22,980 would be the responsibility of the Drainage Board to pay. Mr. John Law stated that \$22,980 would be what it would roughly cost to maintain the ditch anyway. Mr. John Linn asked if there were sufficient funds for this project in the Gast Ditch account. Mr. Robert Kruszynski reported that the Gast Ditch account had roughly \$6,000 currently in it. Mr. John Law stated that the work would not be completed this year due to time constraints, so by the time it is complete, the Ditch account should have both Spring and Fall collections.

Mr. John Linn made a motion to award the Gast Ditch Project to Stanger Environmental Group with the bid of \$114,900, being seconded by Mr. John Summers and carried unanimously, 5-0.

REQUEST FOR EASEMENT REDUCTION – DRIVE & SHINE

(Audio Position 00:21:42)

Mr. John Linn recused himself from this matter due to a conflict of interest.

Mr. Steve Ruby; Abonmarche; 315 W Jefferson Blvd, South Bend, IN 46601: Just to give you background, we had approached the Drainage Board here in December of this past year to realign the Laing Ditch for this property on Bremen Highway. During that process, the realignment was approved, and rerouting and all the stormwater calculations were presented as shown at that point of time for that relocation. Since then, the petitioner, Drive & Shine, had wanted to add an additional loop center to this facility. What that did was add a little more length to this building which also tightened the side up quite a bit. The request was to reduce the drainage easement down to allow for this facility. Back in early February, we met with Mr. Kruszynski and John Law out on the site to look at the limitations of the stormwater drainage and approximate building locations. From that meeting, we determined that we would go back to the City of Mishawaka since this does impact some of their drainage. We had a conversation with them about what that reduction could be and they are in favor of the 10' reduction if the Drainage Board is going to allow that. In the exhibit that you have in front of you shows those parameters. Originally, back in 2019, the ditch had gone through a reduction to allow a total width of 35' on either side of the pipe. A location with a realignment, we maintain that same distance, but now because of the building, they're looking to reduce that further so that the alignment would have a 25' easement portion to the north and still obtain the 35' to the south. Therefore, just reducing it 10' on the north side of the pipe and on the west lines. That would allow that building facility for Drive & Shine to be built and constructed in the fashion it is. Your exhibit shows the original drainage easement as of the recorded document after the December meeting at the 70' width and the red line represents the reduction down to a 60', maintaining 35' to the south and 25' to the north. We've also studied a section on page two of the exhibit that I have in front of you here shows you what the impacts are, and this is what was shared and presented to the City of Mishawaka with their blessing. We would ask at this time for consideration of the reduction of easement by 10' on the north side of the pipe.

Mr. Thomas Schlarb: That would bring that down to 25 feet?

Mr. Steve Ruby: Yes, on the north side. On the south side, it would still remain 35 feet. I believe, per state statute, you're allowed to go within 15 feet of enclosed pipe and in this instance, because of the depth, we don't feel that's appropriate, so we're suggesting the 25 feet.

Mr. John Law: Also, the developer of Drive & Shine has taken maintenance of that pipe. All we're doing is ensuring that if he goes out of business, that the pipe is still protected.

Mr. Steve Ruby: Per the agreement that was recorded already with the alignment change, the owner of Drive & Shine would purchase and pay for the installation and maintenance of the pipe throughout the duration of the property ownership. Everything to improve this is at the developer's cost as well.

Mr. John Law: We're going from a 30" to a 40" pipe and instead of having just a rag-tag pipe and an open ditch, this takes it all the way and sends it to Mishawaka, so a lot more efficient.

Mr. Robert Kruszynski: Steve, I believe you mentioned that there would be some work done on the retention pond behind Meijer.

Mr. Steve Ruby: The Meijer basin in the east side of Meijer facility is being enlarged and improved through another project as well and this can account for that through our calculations. Previously, all this watershed was also going to that Meijer basin.

Mr. Robert Kruszynski: I know Mr. Ruby has been working tirelessly on this and meeting with us, but John Law and I had some concerns about the accessibility, even though it's going to be maintained by Drive & Shine or whoever owns it in the future, we want to make sure there's going to be accessibility and that has been addressed.

Mr. Steve Ruby: Per the document that was recorded with the realignment as well as the maintenance the City of Mishawaka has approved, that has been recorded through the County and is on record to date, so all maintenance access is there for this easement so that is taken care of already. It is now just asking for the reduction. It will clean the site up and make it buildable and it does account for the upland watershed that runs through this drainpipe. This is an additional improvement and enlargement to account for further development as well as this. The calculations have been run and show that it can handle the excess runoff.

Mr. Robert Kruszynski: That's why Mishawaka signed off? They feel comfortable with all those calculations.

Mr. Steve Ruby: Yes.

Mr. John Law: After the flooding of the main floor of those apartments, the City of Mishawaka came in and made the basin larger. I'm pretty sure that the eastside of that basin was built up so it won't pop over again. Mishawaka did a lot for that basin after that flood and now it's going to be enlarged again.

Mr. Thomas Schlarb: My concern is the runoff there on both sides of the highway.

Mr. John Law: There still is retention.

Mr. Steve Ruby: Part of the developer's responsibility and the City of Mishawaka is to develop a basin to withhold their own stormwater runoff on site. That basin does have a controlled release into the regulated ditch and that basin is being designed so that it has to recharge for it's second storm event. It does control the release and it actually slows down what was releasing into it before to be honest.

Mr. Robert Kruszynski: That's the basin west of the proposed...?

Steve Ruby: Yes. You'll see to the west that there's an organic shape there that represents the basin.

Mr. John Law: The outlet for that basin is less than it was originally because originally, it was an open ditch, and everything would fall in.

Mr. John Summers made a motion to approve the request for easement reduction for Drive & Shine, seconded by Mr. Derek Dieter and carried unanimously, 5-0.

REQUEST TO WORK IN EASEMENT PERMIT APPLICATION

(Audio Position 00:33:16)

Mr. John Law stated that the new application is easier to navigate on the County website and presents all the information needed. He sent it off to be approved by Mr. Marcel Lebbin and all the legalities are correct. Mr. Robert Kruszynski endorsed the new application.

Mr. John Linn made a motion to approve the Request to Work in Easement Permit Application, seconded by Mr. John Summers and carried unanimously, 5-0.

EASEMENT REDUCTION PERMIT APPLICATION

(Audio Position 00:38:30)

Mr. John Summers made a motion to table the Easement Reduction Permit Application, seconded by Mr. Randall Matthys and carried unanimously, 5-0.

PRIVILEGE OF THE FLOOR

(Audio Position 00:42:08)

None.

ADJOURNMENT

(Audio Position 00:42:15)

Mr. John Summers made a motion to adjourn the meeting at 9:12 a.m. being seconded by Mr. Randall Matthys, and the motion was unanimously carried, 5-0.

Tom Schlarb
Thomas Schlarb, President

John Summers
John Summers

Randall Matthys
Randall Matthys

Derek D. Dieter
Derek D. Dieter, County Commissioner

John Linn
John Linn

Dated this 5th day of June, 2023.